Former Mesa police sergeant backs decision by officer now on trial in fatal shooting

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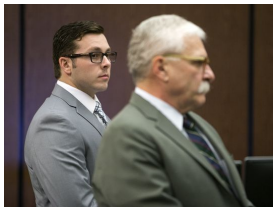
Fullscreen

Fatal police shooting of Daniel Shaver in Mesa



(Photo: David Wallace/The Republic)

The officer in charge during a police situation at a Mesa hotel last year testified Tuesday that he, too, would have shot the unarmed suspect, Daniel Shaver of Texas, when the man did not obey orders to put his hands up.

Sgt. Charles Langley, who retired from the Mesa Police Department four months after the Jan. 18, 2016, shooting, testified in the murder trial of former Officer Philip "Mitch" Brailsford. (/story/news/local/mesa/breaking/2016/03/04/mesa-officer-charged-murder-shooting/81341722/)

Brailsford, who was fired months after the shooting for unrelated issues, (/story/news/local/mesa-breaking/2016/03/21/mesa-pd-fires-officer-accused-unnecessary-force/82097730/) is charged with second-degree murder in the shooting of Shaver, 26, at a Mesa La Quinta Inn and Suites, (/story/news/local/mesa/breaking/2016/01/19/1-dead-after-police-involved-shooting-mesa/79019960/) where he was staying on a work-related trip.

If convicted, Brailsford could face 10 to 25 years in prison.

Brailsford's lawyer has asserted the officer shot Shaver during a confrontation in a hallway because it appeared Shaver was reaching for a weapon when raising his right hand toward his waist.

The prosecutor has said the shooting was unjustified, and through the course of the trial, she has noted that of the three other officers who had their firearms pointed at Shaver, only Brailsford shot.

In all, six officers arrived at La Quinta after a report of a man pointing a gun outside a fifth-floor window.

Sergeant: 'I thought we were going to get shot'

Langley told the 11-member jury Tuesday that he would have shot Shaver if Brailsford wasn't in his line of fire.

"I thought we were going to get shot," Langley said. "I thought I was going to get shot."

Langley said because Shaver put his hand down twice and once behind his back, he thought Shaver may have been reaching for a gun.

Officers later found that Shaver was unarmed when he was shot but had a pellet gun inside his room that he kept with him as part of his job as a pest-control worker for his father-in-law's Texas-based company.

Footage of the shooting captured on two police officers' on-body cameras shows that Langley had yelled at Shaver to put his hands up after he came out of his room.

"For him to be safe, for us to be safe, there was one simple rule and that was to keep his hands in the air," Langley said.

During part of Langley's testimony, Shaver's widow, Laney Sweet, cried and wiped her tears away. Sweet, along with Shaver's parents, has been present for the course of the trial.

Brailsford, whose wife and parents have also been in the courtroom throughout the trial, sat calmly and quietly at the defense table.

In the video, Shaver appeared confused by Langley's commands on what to do with his hands.

At one point in the video, Shaver puts his hands down and behind his back. Langley, who was in charge and the only one yelling out commands, quickly orders him to put them back in the air or else he would be shot, the video shows.

Brailsford fired his AR-15 rifle when Shaver raised his right hand after he had crawled on his hands and knees, the video shows.

Langley testified that he didn't know why Shaver seemed confused by his commands, especially when he had given similar commands to Monique Portillo, a woman Shaver met that night and had been in the room with him.

"That definitely raised my attention level. My flags just went up," Langley said of the time Shaver put his hands behind his back. "Was he checking for a weapon? Was he testing us? There was no reason for him to make that movement."

Investigator testifies about video, training

Earlier Tuesday, Mesa police Detective Paul Sipe, who investigated the shooting, testified about his reaction to the body-camera video and Mesa police training.

He told the jury he first saw the video on the night of the shooting, along with another police detective and a representative of the Maricopa County Attorney's Office.

"I was shocked by it," Sipe said when Deputy County Attorney Susie Charbel asked about his reaction to the video.

As far as the training, Sipe testified that when a suspect has a gun in his or her hand without making a threatening gesture, that is not enough for an officer to fire his or her weapon.

Even though the prosecution hasn't finished presenting its case, defense attorney Michael Piccarreta has called a few of his witnesses, including Langley, to the stand because of schedule conflicts.

Langley will continue with his testimony Wednesday.

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Jury sees body-cam video of Mesa officer shooting unarmed man (/story/news/local/mesa/2017/10/26/jury-sees-body-cam-video-ex-mesa-officer-fatally-shooting-unarmed-man/803368001/)

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